



H.R. 1512 – TO AMEND THE IMMIGRATION AND NATIONALITY ACT TO PROVIDE FOR COMPENSATION TO STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH A FELONY OR TWO OR MORE MISDEMEANORS

FLOOR SITUATION

H.R. 1512 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Linda Sanchez (D-CA) on March 13, 2007. The House Committee on the Judiciary agreed to the bill, as amended, on October 24, 2008.

H.R. 1512 is expected to be considered on the floor of the House on May 6, 2008.

SUMMARY

H.R. 1512 provides compensation for states incarcerating undocumented immigrants who have been charged with a felony or two or more misdemeanors.

The bill requires the U.S. Government Accountability Office to submit an annual report to Congress and the Secretary of Homeland Security detailing the number of undocumented immigrants that have been charged with an offense and detained by a state.

BACKGROUND

Currently, the Immigration and Nationality Act allows States to be compensated for incarcerating an undocumented immigrant who has been convicted of a felony or two or more misdemeanors, and not for an undocumented immigrant who has only been charged with an offense.

The Department of Justice and the Department of Homeland Security administer the State Criminal Alien Assistance Program (SCAAP), which provides states with compensation for incurred correctional officer salary costs for incarcerating undocumented immigrants who have committed one felony or two misdemeanor convictions for violations of state or local law.

[Department of Justice – Bureau of Justice Assistance website for SCAPP](#)

COST

According to the Congressional Budget Office (CBO), "Current law authorizes the appropriation of \$950 million annually over the 2008-2011 period for SCAAP... Because H.R. 1512 would not change the current authorization levels for SCAAP and would not affect DOJ's current reimbursement policy, CBO estimates that the proposed changes to that program would have no cost to the federal government."

[Full CBO cost estimate for H.R. 1512](#)

STAFF CONTACT

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